



**U.S. Department of the Interior**  
**Bureau of Land Management**

Medford District Office  
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# Record of Decision, California Gulch Timber Sale in the Kelsey Whisky Landscape Management Area

As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

**BLM/OR/WA/PL-04/001+1792**

# **Record of Decision, California Gulch Timber Sale in the Kelsey Whisky Landscape Management Area**

## **Introduction**

This record of decision applies to thinning projects in Late Successional Reserve. This is the fourth in a series of separate records of decision relating to the *March 2003 Kelsey Whisky Landscape Plan and Resource Management Plan Amendment and Final Environmental Impact Statement* (FEIS). The first is the *Record of Decision, Medford District Resource Management Plan Amendment in the Kelsey Whisky Landscape Management Area, September 2003*; the second is the *Record of Decision, Forest Health and Fuels Treatments in the Kelsey Whisky Landscape Management Area, November 2003*, and the third is the *Record of Decision, Upper East Kelsey Timber Sale, November 2003*.

The FEIS presented an array of proposals that would implement management direction from the Medford District Resource Management Plan (RMP). It proposed treatments for fuel hazard reduction, density management, wildlife habitat enhancement, and non-commercial thinning along with timber harvest (Preferred Alternative). This decision pertains to density management in the California Gulch area. The project area is within the 104,000 acre Wild Rogue Watershed. The Wild Rogue Wilderness is to the west, the Rogue Wild and Scenic River flows through the center. The planning area contains designated critical habitat for northern spotted owls and marbled murrelets, Late-Successional Reserve, and two connectivity/diversity blocks. The area is located about 26 miles northwest of Grants Pass, Oregon. The Bureau of Land Management (BLM) manages most of the public lands within the watershed designated as Oregon and California (O&C) lands.

## **What this Decision Will Provide**

This decision approves portions of the Kelsey Whisky Landscape Plan identified in the preferred alternative (Alternative 1) to implement density management treatments and associated activity in the Late Successional Reserve.

## **Policies and Procedures Remaining in Effect**

1) *Statutory requirements.* BLM has a legal responsibility to comply with the Federal Land Policy and Management Act of 1976, the National Environmental Policy Act of 1969, the Oregon and California (O&C) Sustained Yield Act of 1937, the Endangered Species Act of 1973, the Wilderness Act of 1964, the National Wild and Scenic Rivers Act of 1968, the Clean Air Act of 1967 and other applicable statutes, Executive Orders, regulations, manuals and handbooks.

2) *National Policy.* BLM also has an administrative obligation to conform with current national policies or procedures regarding program development and coordination or for individual resources or uses.

3) *Funding levels and program activity or project funding allocations.* These are determined annually at the national level and are beyond the control of the field office. It is assumed that funding will be available to fully implement the changes in land use allocations and subordinate projects or activities. It is anticipated that the majority of these projects will be completed within 5-7 years, however the implementation could be longer if funding is limited.

4) *Timber Sale Decisions.* Timber sale decisions become effective upon notice of sale.

### **Alternatives Considered**

For the planning area we considered a number of alternatives for evaluation during the Landscape Planning process. Several were eliminated from further study. The FEIS includes a brief description of these alternatives and the reasons for their elimination from further study on page 2-4.

Four alternatives were considered for detailed analysis. The elements relevant to this decision are summarized below. A more detailed description of the alternatives can be found in the FEIS on pages 2-3 to 2-27.

**Alternatives 1, 2, and 4** identify commercial density management units in the FEIS, Appendix 2, pages A-19 to A-21 and Appendix 13, pages A-108 to A-110. The proposed action for each of these units is uniform throughout the action alternatives. Subsequent treatment of activity fuels will occur and be tailored to individual site conditions, but would generally consist of logging and scattering and piling and burning.

Table 1. California Gulch Density Management Units

Unit #	Treatment type	Acres
26-2	CDM	9
26-3	CDM	8
27-1A	CDM	10
27-1B	CDM	9
28-1A	CDM	10
28-1B	CDM	18

**Alternative 3** or the continued existing management direction strategy, would involve no changes in current management of the planning area. RMP related routine management actions would continue to occur, including fire suppression, road maintenance and plantation maintenance. Planning for RMP implementation actions would be ongoing in the Resource Area, and would include the Wild Rogue North Watershed. The opportunity for timber harvest, fuels treatments and forest health treatments in this watershed would continue to be a viable option for future entries under the no-action alternative as well as the three action alternatives.

## **Environmental Preferability of the Alternatives**

The Council on Environmental Quality (CEQ, 1981) judges environmental preferability using the criteria in the National Environmental Policy Act (NEPA) and subsequent guidance. The CEQ has defined the environmentally preferable alternative as the alternative that will promote the national environmental policy as expressed in Section 101 of the NEPA. This section lists six broad policy goals for all Federal plans, programs, and policies:

- 1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- 2) Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- 3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- 4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- 5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- 6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Based on these criteria, identification of the most environmentally preferable alternative involves a balancing of current and potential resource uses with that of resource protection. The decisions are intended to facilitate and complement other anticipated long-term forest health and commercial harvest activities within the landscape area in conformance with the intent of the existing Medford RMP. When viewed as a composite set of actions, all four alternatives fulfill CEQ policy goal #1 with different emphases and associated risks from actions and inactions. All three “action” alternatives modify the identified local surroundings of the planning area (CEQ goal #2) with minimal, if any effects, on human safety, and health. However, the level of facilitated and anticipated commercial productivity and associated employment opportunities may be considered, by some people, to be inversely proportional to the adverse effects on the esthetics and cultural values of the area. The four alternatives provide and document a diverse range of beneficial uses of the environment, with the associated impacts to the environment and other CEQ goal #3 consequences.

Resource uses that are dependent on an improved transportation system could provide for higher standards of living from commodity production or local economic benefits from timber harvests and forest health treatments. Impacts would vary in proportion to acres treated and volume sold, with the greatest benefits under CEQ goals #5 and #6 under alternative 1, then the lesser amounts, in descending order, under alternatives 2, 4 and 3. At the potential project level, benefits and impacts from the timber harvests and prescribed or assumed harvest methods are proportional to acres by alternative, but

include various design features to minimize adverse effects under CEQ goals #2-4. None of the CEQ goals specifically mentions habitat connectivity or scarcity, but it could be inferred from all of the goal statements. The Rationale for the Decision section below indicates the significance of the alternative impacts and suggests that in this area, given existing conditions, all of the alternatives provide for habitat values, with the treatments, or lack thereof, creating both opportunities and risks for the future. Given all six CEQ goals, we find that alternative 1 provides the best management treatment in support of our forest health treatment strategy and is the environmentally preferred alternative.

## **Decision Rationale**

The rationale for implementing this thinning project is based on how well this action relates to the Resource Management Plan, and is discussed above as a part of Alternative 1, under Environmental Preferability of Alternatives. Management Considerations were expressed in the form of issues clarifying the purpose and need (FEIS Section 1.1, pgs 1-6). They emphasized the need to implement management actions identified in the Medford District Resource Management Plan. The density management treatments, along with the activity fuels treatments, address the need to improve the quality of late successional habitat, and to reduce potential for wildfire. Improving forest health within Late Successional Reserve lands is also identified as an issue. The proposed thinning activities (Alternative 1, California Gulch area) are within Northern Spotted Owl Critical Habitat as well as Late Successional Reserve. This action is intended to promote growth of the remaining trees by reducing competition for space, soil nutrients and sunlight. This effort can also be expected to contribute to the local economies through the harvest and fuel treatments of the area.

The significance of each alternative was evaluated throughout the FEIS. Past timber harvest methods are described in the FEIS under Section 3.6. The density management proposal incorporated consideration of past harvest areas (see Appendix 14-1) when identifying potential treatment areas by age class and density. Stand conditions and recommendations for treatments are described in the Silviculture Prescription (FEIS Appendix 13).

All three action alternatives would affect wildlife habitats through altering the density of trees and reducing canopy cover. The FEIS, on pages 4-19 to 4-25 addresses potential effects on Late Successional Habitat. Connectivity and fragmentation and anticipated impacts are discussed by alternative. Localized impacts are addressed, beginning on page 4-21, section 4.7.3.1. The composite of treatments for the planning area are designed to enhance long term forest health and meet RMP and Northwest Forest Plan objectives. Section 4.7.10 provides a *Summary of effects on late-successional habitat and species*. With the proposed activity, late successional reserve forests will continue to support both habitation and movement of late-successional species. And although there would be some effects to habitat corridors and connectivity, the cumulative effects of the overall landscape plan and individual projects are consistent with the Medford RMP.

Impacts to aquatic systems were analyzed through the Aquatic Conservation Strategy

Consistency Analysis (FEIS Appendix 11). All surveys for Special Status and Survey and Manage species have been completed. Buffers and other protections will be applied where applicable (FEIS Section 2.3.3 pgs.2-12 to 2-14).

Discussion of potential impacts to Port-Orford-cedar (POC) through the mechanism of a root disease, *Phytophthora lateralis*, was included in the FEIS (FEIS pg. 4-30). One isolated, uninfected population of Port-Orford-cedar is known to occur within the planning area and was described (FEIS pg 3-16). If POC is found during implementation, protective guidelines current at the time of action will be applied. At this time the POC ROD lays out the criteria for treatment of *Phytophthora lateralis* infested Port Orford Cedar areas. The California Gulch treatment area is outside the known range for POC and it will not be impacted by the density management operation.

Under Alternative 3, the no-action alternative, the density management treatments would not occur. In this case we can expect the continuation of the current dense stocking causing competition for sunlight, space, and soil nutrients.

### **Mitigation Measures**

The BLM prepared an Environmental Impact Statement for this project because of the sensitivity of the area to the interested public. The Kelsey Whisky landscape planning area encompasses the Wild Rogue Watershed and includes designated critical habitat for northern spotted owls and marbled murrelets, a Late-Successional Reserve, and two connectivity/diversity blocks. The watershed borders the Wild Rogue Wilderness to the west, and has a portion of the Rogue Wild and Scenic River Corridor through the center of the planning area. Any project proposed in this area generates public controversy, and BLM believed that the purposes of NEPA would be best served by preparing an environmental impact statement to address any possible environmental concerns to the public. Furthermore, the proposed action already has incorporated into the design of the project alternatives design features that would minimize impacts (see FEIS section 2.3). For example, all alternatives include seasonal work restrictions in relation to stream channel activity, stream buffers, restricted locations for equipment refueling, and temporary work suspension when soil saturation on roads threatens excessive stream sedimentation.

### **Public Involvement in the Planning Process**

The Kelsey Whisky planning involved the public through three public scoping meetings in June, July and October, 1999; through accepting comments on development of alternatives and analysis of effects through March, 2001; through a 90-day comment period for the Draft EIS from April 12 through July 12, 2002; and through a 30 day protest/comment period for the Final EIS from April 21 through March 21, 2003. BLM received comments from the scoping as well as the two document review processes (DEIS: 145 comments; FEIS: 48 comments. The comments from the DEIS were evaluated and incorporated when revising the EIS text. The evaluation of the comments

is included in the FEIS as Appendix 15 (also available on CD and at [www.or.blm.gov/Medford](http://www.or.blm.gov/Medford) under planning documents).

Two protests dealing with the exclusion of the ACEC from the Preferred Alternative were filed with the Director of the BLM and were resolved in July 2003. From the protests the Director identified two major issues which concerned maintaining a late successional corridor, and inconsistency with the purpose and need by not designating an ACEC. The Director found the cumulative effects to be consistent with the goals and objectives of the Medford RMP and the Northwest Forest Plan and would not diminish future opportunities for management. RMP Amendment decisions were made under the Record of Decision for the Medford District Resource Management Plan Amendment in the Kelsey Whisky Landscape Management Area. No RMP Amendment decisions are included in the Record of Decision for the California Gulch Timber Sale.

During the 30-day comment period for the Final EIS, a number of additional comments were received by the BLM. Only a small number of those comments referred to topics pertaining to this density management thinning in the Late Successional Reserve. One commenter was concerned that the identification of where and how timber would be harvested was deferred to the ROD and thus not appropriately analyzed. This is not accurate. Appendix 2 of the FEIS identifies the area, acres, and types of harvest for each unit. Chapter 4 provides discussion on various potential impacts. Another concern was that spotted owl designated critical habitat would be destroyed or degraded. The effects to critical habitat units were described in Chapter 4. Please see below for a discussion of the consultations that were completed following the agency requirements relative to the Endangered Species Act. Other commenters supported thinning to manage forested lands.

### **Consultation – Endangered Species Act**

Consultation with the US Fish and Wildlife Service and NOAA Fisheries was conducted under Section 7, of the Endangered Species Act of 1973. This project is covered by the Biological Opinion #1-14-03-F-511 for Timber Sales FY 2004-2008. NOAA Fisheries concurred that this project is not likely to adversely affect SONC coho salmon or its designated critical habitat in a letter dated February 4, 2003.

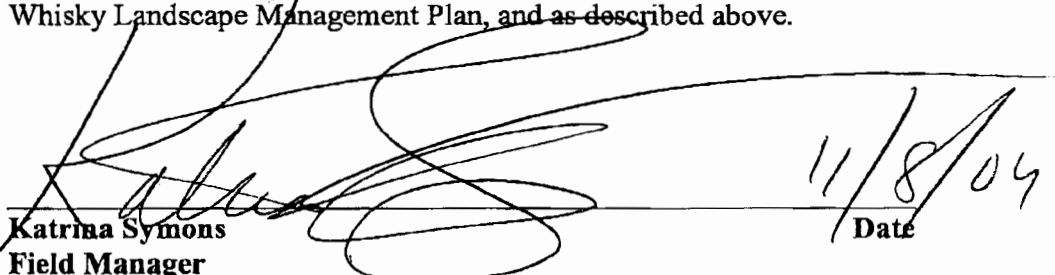
### **Tribal Participation**

Under Federal law and regulations, consultation with Native American Tribes who have an interest in the planning area is required. There are no areas within the Kelsey Whisky EIS Planning Area that are known to be currently important as Native American religious sites or are in use for traditional purposes at this time.



**Decision**

The planning and analysis process as well as the resulting resource management directions have been developed and will be implemented in a manner consistent with the procedures and intent of the Federal Land Policy and Management Act of 1976, the National Environmental Policy Act of 1969, the Oregon and California (O&C) Sustained Yield Act of 1937, the Endangered Species Act of 1973, the Wilderness Act 1964, the National Wild and Scenic Rivers Act of 1968 and other applicable statutes, Executive Orders, regulations, manuals and handbooks. Having considered a full range of alternatives, associated impacts, and public input, the decision is hereby made to implement the California Gulch Timber Sale portion of Alternative 1 in the Kelsey Whisky Landscape Management Plan, and as described above.



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11/8/04  
Date